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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,001	07/02/2003	Joseph Joseph		4488

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New York, NY 10017

EXAMINER	
PHUONG, DAI	
ART UNIT	PAPER NUMBER
2685	

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/613,001	JOSEPH, JOSEPH	
	Examiner	Art Unit	
	Dai A. Phuong	2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 5, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Foladare et al. (U.S. 5,732,383).

Regarding claim 1, Foladare et al. disclose a system for providing traffic information for planning a trip comprising: a cellular telephones (fig. 1, col. 3, lines 52 to col. 5 lines 4); a base station, the base station having a zone of communication, whereby the base station creates tracking information pertaining to the amount of cellular telephones located in the zone of communication regardless of the cellular telephone statuses (fig. 1, col. 3, lines 52 to col. 5 lines 4 and col. 6, lines 7 to col. 22); and a processing station configured for receiving cellular telephone emissions, the processing station being in communication with the base station, the processing station being configured for receiving data input and tracking information from cellular telephones to the base stations (fig. 1, col. 3, lines 53 to col. 5 lines 4), whereby the processing station determines traffic volume by analyzing the tracking information (fig. 4, col. 6, lines 7 to col. 7, lines 22).

Regarding claim 2, Foladare et al. disclose all the limitation in claim 1. Further, Foladare et al. disclose the system providing for traffic information wherein the data input is sent to the base station by the cellular telephones and defines the amount of cell phones located in vehicles on a roadway (fig. 4, col. 6, lines 7 to col. 7, lines 22).

Regarding claim 5, Foladare et al. disclose all the limitation in claim 1. Further, Foladare et al. disclose the system wherein the cellular telephone users are positioned in a vehicle (col. 3, lines 52 to col. 4, lines 47).

Regarding claim 7, Foladare et al. disclose all the limitation in claim 1. Further, Foladare et al. disclose the system wherein the at least one cellular telephone user is not in a vehicle (col. 3, lines 52 to col. 4, lines 47).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-4, 6, 8, 9-14 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foladare et al. (U.S. 5,732,383) in view of Yoshikawa et al. (Pub. No: 2004/0034464).

Regarding claim 3, Foladare et al. disclose all the limitation in claim 2. However, Foladare et al. do not disclose the system for providing traffic information wherein defining the navigation pathway includes defining a date and a time of departure from a geographic location.

In the same field of endeavor, Yoshikawa et al. disclose the system for providing traffic information wherein defining the navigation pathway includes defining a date and a time of departure from a geographic location ([0049] and [0110]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile end-user device of Foladare et al. by specifically including providing traffic information wherein defining the navigation pathway includes defining a date and a time of departure from a geographic location, as taught by Yoshikawa et al., the motivation being in order to allow the user to easily obtain future traffic information about a distant position from the present position of the vehicle.

Regarding claim 4, Foladare et al. disclose all the limitation in claim 2. However, Foladare et al. do not disclose the system wherein the data input includes route information.

In the same field of endeavor, Yoshikawa et al. disclose the system wherein the data input includes route information ([0042]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile end-user device of Foladare et al. by specifically including the data input includes route information, as taught by Yoshikawa et al., the motivation being in order to allow the user to easily obtain future traffic information about a distant position from the present position of the vehicle.

Regarding claim 6, Foladare et al. disclose all the limitation in claim 5. However, Foladare et al. do not disclose the system wherein the processing station defines a navigation pathway package suitable for transfer to a computer system positioned in the vehicle suitable for

at least storing and displaying map and navigation information, the computer system in the vehicle being integrated with the at least one cellular telephone.

In the same field of endeavor, Yoshikawa et al. disclose the system wherein the processing station defines a navigation pathway package suitable for transfer to a computer system positioned in the vehicle suitable for at least storing and displaying map and navigation information, the computer system in the vehicle being integrated with the at least one cellular telephone ([0055] to [0056] and [0062] to [0063])

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile end-user device of Foladare et al. by specifically including the processing station defines a navigation pathway package suitable for transfer to a computer system positioned in the vehicle suitable for at least storing and displaying map and navigation information, the computer system in the vehicle being integrated with the at least one cellular telephone, as taught by Yoshikawa et al., the motivation being in order to allow the user to easily obtain future traffic information about a distant position from the present position of the vehicle.

Regarding claim 8, Foladare et al. disclose all the limitation in claim 1. However, Foladare et al. do not disclose the system wherein the locating of the at least one cellular telephone is determined using the navigation pathway defined by the at least one cellular telephone user, the emissions of the at least one cellular telephone, and one base station.

In the same field of endeavor, Yoshikawa et al. disclose the system wherein the locating of the at least one cellular telephone is determined using the navigation pathway defined by the

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at least one cellular telephone user, the emissions of the at least one cellular telephone, and one base station ([0055]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile end-user device of Foladare et al. by specifically including disclose the system wherein the locating of the at least one cellular telephone is determined using the navigation pathway defined by the at least one cellular telephone user, the emissions of the at least one cellular telephone, and one base station, as taught by Yoshikawa et al., the motivation being in order to allow the user to easily obtain future traffic information about a distant position from the present position of the vehicle.

Regarding claim 9, Foladare et al. disclose a management system using cellular telephones comprising: a traffic management system including cellular telephone defining data input (col. 3, line 52 to col. 5, line 31); and a plurality of base stations, each base station having a zone of communication, each base station creating tracking information pertaining to the amount of cellular telephones located in its zone of communication regardless of the cellular telephone status (col. 3, line 52 to col. 5, line 31 and col. 6, lines 7 to col. 7, line 22), the base stations being connected with at least one processing station and at least one cellular telephone user, the processing station being configured for receiving the tracking information (col. 3, line 52 to col. 5, line 31 and col. 6, lines 7 to col. 7, line 22) and traffic volume information determined by the processing station through the use of the tracking information (col. 6, lines 7 to col. 7, line 22).

However, Foladare et al. do not disclose a management system using cellular telephones comprising: the data input from the cellular telephone user and the processing defining a

navigation pathway for the cellular telephone user at least partially based on the data input from the cellular telephone user.

In the same field of endeavor, Yoshikawa et al. disclose a management system using cellular telephones comprising: the data input from the cellular telephone user and the processing defining a navigation pathway for the cellular telephone user at least partially based on the data input from the cellular telephone user ([0054] to [0057] and [0095] to [0100]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile end-user device of Foladare et al. by specifically including the data input from the cellular telephone user and the processing defining a navigation pathway for the cellular telephone user at least partially based on the data input from the cellular telephone user, as taught by Yoshikawa et al., the motivation being in order to allow the user to easily obtain future traffic information about a distant position from the present position of the vehicle.

Regarding claim 10, the combination of Foladare et al. and Yoshikawa et al. disclose all the limitation in claim 9. Further, Yoshikawa et al. disclose the system wherein the data input is sent to one of the plurality of base stations by the least one cellular telephone user (fig. 1, [0043]) and defines at least a geographic location of a point of destination, a time of arrival, and a date of arrival ([0110]).

Regarding claim 11, the combination of Foladare et al. and Yoshikawa et al. disclose all the limitation in claim 10. Further, Yoshikawa et al. disclose the system wherein defining the

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navigation pathway includes defining a date and a time of departure from a geographic location ([0049] and [0110]).

Regarding claim 12, the combination of Foladare et al. and Yoshikawa et al. disclose all the limitation in claim 10. Further, Yoshikawa et al. disclose the system wherein the data input includes route information ([0043]).

Regarding claim 13, the combination of Foladare et al. and Yoshikawa et al. all the limitation in claim 9. Further, Foladare et al. disclose the system wherein the cellular telephone user is positioned in a vehicle (col. 3, lines 52 to col. 4, lines 47) and Yoshikawa et al. disclose the system wherein the cellular telephone user is positioned in a vehicle ([0042]).

Regarding claim 14, the combination of Foladare et al. and Yoshikawa et al. disclose all the limitation in claim 13. Further, Yoshikawa et al. disclose the system wherein the processing station defines a navigation pathway package suitable for transfer to a computer system positioned in the vehicle configured for at least storing and displaying navigation package information including maps, the computer system being integrated with the cellular telephone ([0055] to [0056] and [0062] to [0063]).

Regarding claim 16, the combination of Foladare et al. and Yoshikawa et al. disclose all the limitation in claim 9. Further, Yoshikawa et al. disclose the system wherein the locating of the cellular telephone is determined using the navigation pathway defined by the at least on cellular telephone user, the emissions of the at least one cellular telephone, and one base station ([0055]).

Regarding claim 17, Foladare et al. disclose a method using cellular telephones for managing traffic comprising: providing a traffic management system including a plurality of base stations connected to at least one processing station, each base station having a zone of communication, each base station creating tracking information pertaining to the amount of cellular telephones located in its zone of communication regardless of cellular telephone status, whereby the processing station determines traffic volume by analyzing the tracking information (col. 3, line 52 to col. 5, line 31 and col. 6, lines 7 to col. 7, line 22) and plurality of cellular telephone users (col. 3, line 52 to col. 5, line), the traffic management system being suitable for identifying traffic congestion based on monitoring cellular telephone traffic (col. 3, line 52 to col. 5, line 31 and col. 6, lines 7 to col. 7, line 22).

However, Foladare et al. do not disclose a method using cellular telephones for managing traffic comprising: sending data input from the cellular telephone users to the at least one processing station; developing navigation pathways in the processing station based at least partially on the data input from the cellular telephone users; inputting data from the cellular telephone users along the navigation pathway to the base stations, the information being suitable for the at least one processing station to track the position of the cellular telephone user on the navigation pathway using a single base; and providing data output from the at least one processing station to the cellular telephone users including providing notice of ensuing key navigation points along the navigation pathway to the cellular telephone users along the navigation pathway station and redirecting the cellular telephone user on the navigation pathway in relation to the traffic congestion detected by the plurality of base stations.

In the same field of endeavor, Yoshikawa et al. disclose a method using cellular telephones for managing traffic comprising: sending data input from the cellular telephone users to the at least one processing station ([0043] and [0095] to [0100]); developing navigation pathways in the processing station based at least partially on the data input from the cellular telephone users ([0043] to [0045] and [0095] to [0100]); inputting data from the cellular telephone users along the navigation pathway to the base stations, the information being suitable for the at least one processing station to track the position of the cellular telephone user on the navigation pathway using a single base ([0043] to [0045] and [0055] to [0063] and [0095] to [0100]); and providing data output from the at least one processing station to the cellular telephone users including providing notice of ensuing key navigation points along the navigation pathway to the cellular telephone users along the navigation pathway station ([0043] to [0045] and [0055] to [0063] and [0095] to [0100]) and redirecting the cellular telephone user on the navigation pathway in relation to the traffic congestion detected by the plurality of base stations ([0068] to [0071]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile end-user device of Foladare et al. by specifically including sending data input from the cellular telephone users to the at least one processing station; developing navigation pathways in the processing station based at least partially on the data input from the cellular telephone users; inputting data from the cellular telephone users along the navigation pathway to the base stations, the information being suitable for the at least one processing station to track the position of the cellular telephone user on the navigation pathway using a single base; and providing data output from the at least one processing station to

the cellular telephone users including providing notice of ensuing key navigation points along the navigation pathway to the cellular telephone users along the navigation pathway station and redirecting the cellular telephone user on the navigation pathway in relation to the traffic congestion detected by the plurality of base stations, as taught by Yoshikawa et al., the motivation being in order to allow the user to easily obtain future traffic information about a distant position from the present position of the vehicle.

Regarding claim 18, the combination of Foladare et al. and Yoshikawa et al. disclose all the limitation in claim 17. Further, Yoshikawa et al. disclose the method wherein the step of providing data from the at least one processing station includes providing navigation pathway information recorded on a medium suitable for use in a vehicle ([0063]).

Regarding claim 19, the combination of Foladare et al. and Yoshikawa et al. disclose all the limitation in claim 18. Further, Yoshikawa et al. disclose the method wherein the step of providing data from the at least one processing station includes providing navigation pathway information including Global Positioning System information to the cellular telephone user, the navigation pathway information including maps in a form suitable for use on video display in a vehicle ([0060] to [0063]).

Regarding claim 20, the combination of Foladare et al. and Yoshikawa et al. disclose all the limitation in claim 17. Further, Yoshikawa et al. disclose the method wherein the step of providing includes a satellite system configured for communicating between the cellular telephone and the at least one of processing station ([0060] to [0062]). Inherently, there is needed the combination of GPS and satellite in order to determine the present position of the device 12).

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foladare et al. (U.S. 5,732,383) in view of Yoshikawa et al. (Pub. No: 2004/0034464) and further in view of Le et al. (Pub. No: 2004/0236498).

Regarding claim 15, the combination of Foladare et al. and Yoshikawa et al. disclose all the limitation in claim 9. But, the combination of Foladare et al. and Yoshikawa et al. do not disclose the system wherein the traffic management system provides corrective directions when a turn along the navigation pathway was missed by the at least one cellular telephone user.

In the same field of endeavor, Le et al. disclose the system wherein the traffic management system provides corrective directions when a turn along the navigation pathway was missed by the at least one cellular telephone user ([0115]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile end-user device of the combination of Foladare et al. and Yoshikawa et al. by specifically including corrective directions when a turn along the navigation pathway was missed by the at least one cellular telephone user, as taught by Le et al., the motivation being in order to allow user to navigate from a predetermined source position to predetermined destination position on the map.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Luciana (Pub. No: 2002/0107634) traffic monitoring system and method

Raith (U.S. 6711408) position assisted handoff

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8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

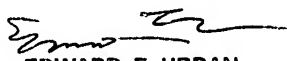
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 703-605-4373. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
AU: 2685
Date: 01-20-2005


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